

**191—13.5 (505,522B) Consideration of applications for consent.**

**13.5(1)** The commissioner shall have the sole discretion to grant or deny an application for consent to engage in or transact the business of insurance.

**13.5(2)** Each decision of whether or not to grant consent to engage in or transact the business of insurance to a prohibited person will be handled on a case-by-case basis. Factors to be considered include, but are not limited to, the following:

- a.* The nature and severity of the crime;
- b.* The length of time since the conviction;
- c.* The injury or loss caused by the prohibited person;
- d.* Whether the conviction is related to the business of insurance;
- e.* Whether the prohibited person received a pardon from the authority that convicted the person and whether the pardon was granted due to the innocence of the person;
- f.* Whether the prohibited person completed parole or probation;
- g.* Whether a breach of trust or dishonesty was involved;
- h.* The nature and strength of character reference letters;
- i.* The person's business and personal records before and after the conviction;
- j.* Whether and to what extent the person has made material false statements in an application, renewal or other documents filed with the commissioner;
- k.* Whether and to what extent the person has made material false statements in applications or other documents filed with other agencies of this state or of other states or with federal agencies;
- l.* Whether the prohibited person's conviction was expunged;
- m.* Whether or not the person received the conviction in a foreign country; and
- n.* Any additional relevant factors.

[ARC 8309B, IAB 11/18/09, effective 12/23/09]